

COMMENTS ON SENATE BILL NO, 180

Mr. Chairman, members of the committee, my name is Bruce Maurer. I am a farmer from Power, Montana, and I think I am qualified to speak about this bill because I have had about seven years of experience dealing with the MATL organization. SB 180 would correct the present situation created by HB 198 of the last legislative session, that automatically grants eminent domain authority to anyone who gets a major facility siting certificate from the Department of Environmental Quality. That is the only requirement for exercising this power. The DEQ is concerned with the environment, not public necessity, thus a MFSA certificate could, and most likely would be issued without any consideration of public need. This is definitely not the appropriate criteria to use when granting eminent domain authority.

The taking of private property from an unwilling owner should only be done as a last resort, for a compelling public need by the state, or a regulated public utility, not by a private profit seeking entity just to improve their own situation. I can tell you from experience, that when a company has eminent domain power they have very little consideration for anyone who doesn't agree with them, even if there are better solutions than the plan originally proposed. When HB 198 was passed, there was supposed to be additional help from other bills for property owners when dealing with these situations, but they fell by the wayside. Under present conditions, eminent domain authority is too easily obtained by a for profit private unregulated entity, and it is too expensive and most likely futile for the average property owner to resist.

I urge you to correct this situation and vote **FOR** Senate Bill 180.